

REMARKS

The Applicant gratefully acknowledges the allowance of Claims 8-18. The Examiner, however, provides a number of new rejections or objections in the present Office Action and we list them here in the order in which they are addressed:

- I. Claims 19-25 are rejected under 35 U.S.C. § 112 ¶ 2 as allegedly indefinite.
- II. Objections To The Claims
 - A. Claims 5 and 7 are objected to as allegedly being dependent upon a rejected base claim.
 - B. Claims 6 and 24 are objected to for allegedly failing to further limit the subject matter.
- III. Anticipation Rejections
 - A. Claims 1 and 19 are rejected under 35 USC § 102(b) as allegedly being anticipated by United States Patent No. 5,605,632.
 - B. Claims 1-2 and 19-20 are rejected under 35 USC § 102(b) as allegedly being anticipated by Lasko et al., *Envrion. Sci. Technol.* 33:3622-3626 (1999).
 - C. Claims 1-3 and 19-21 are rejected under 35 USC § 102(b) as allegedly being anticipated by Marcus, Y., *Chemical Abstracts* 52:11517g (1958).
- IV. Claims 4 and 23 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Marcus Y., *Chemical Abstracts* 52:11517g (1958) in view of WO 99/13116.

I. The Claims Are Not Indefinite

The Examiner states that Claim 19 “recites two different silver thiosulfate complexes.” thereby making an antecedent reference unclear. The Applicants disagree. Nonetheless, without acquiescing to the Examiner's argument but to further the prosecution, and hereby expressly reserving the right to prosecute the original (or similar) claims, Applicants have canceled claims 19-25. This cancellation is made not to acquiesce to the Examiner's argument but only to further the Applicants' business interests, better define one embodiment and expedite the prosecution of this application.

The Applicants respectfully request that the Examiner withdraw the rejection.

II. The Claims Are Not Objectionable

The Examiner states that “Claims 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form ...”. *Office Action* pg. 6. The Applicants’ believe that Claim 1 (i.e., the rejected base claim) is allowable and disagree with the Examiner’s objection. Nonetheless, without acquiescing to the Examiner’s argument but to further the prosecution, and hereby expressly reserving the right to prosecute the original (or similar) claims, Applicants have rewritten Claims 5 and 7 as independent claims. These amendments are made not to acquiesce to the Examiner’s argument but only to further the Applicants’ business interests, better define one embodiment and expedite the prosecution of this application.

The Examiner further states that Claims 6 and 24 are objected to as being of improper dependent form because triethylamine is not a quaternary amine. The Examiner is reminded that Claim 24 was canceled above for other reasons, thereby making an objection to Claim 24 moot. Nonetheless, without acquiescing to the Examiner’s argument but to further the prosecution, and hereby expressly reserving the right to prosecute the original (or similar) claims, Applicants have amended Claim 6 by deleting “triethylamine” and changing the dependency to Claim 5. These amendments are made not to acquiesce to the Examiner’s argument but only to further the Applicants’ business interests, better define one embodiment and expedite the prosecution of this application.

The Applicants believe that Claims 5, 6, and 7 are now placed in a condition for allowance and respectfully request the Examiner withdraw the objections.

III. The Claims Are Not Anticipated

As the Examiner is well aware, a single reference must disclose each limitation of a claim in order for that reference to anticipate the claim. *Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984). This criterion is not met with the WO 99/13116 reference. The Examiner alleges that: i) Claims 1 and 19 are anticipated by United States Patent No. 5,605,632; ii) Claims 1-2 and 19-20 are anticipated by Lasko et al., *Envrion. Sci. Technol.* 33:3622-3626 (1999); and iii) Claims 1-3 and 19-21 are anticipated by Marcus, Y., *Chemical Abstracts* 52:11517g (1958). The Examiner is reminded that Claims 19-21 were canceled above for other reasons, thereby making any rejection to these claims moot.

The Applicants further disagree that Claims 1-3 are anticipated. Nonetheless, without acquiescing to the Examiner’s argument but to further the prosecution, and hereby expressly reserving the right to prosecute the original (or similar) claims, Applicants have canceled Claims 1-3. This cancellation is made not to acquiesce to the Examiner’s argument but only to further

the Applicants' business interests, better define one embodiment and expedite the prosecution of this application.

The Applicants respectfully request the Examiner withdraw the present rejection.

IV. The Claims Are Not *Prima Facie* Obvious

The Examiner states that Claims 4 and 23 are allegedly unpatentable over Marcus Y, Chemical Abstracts 52:11517g in view of WO99/13116. The Examiner is reminded that Claim 23 was canceled above for other reasons, thereby making this rejection moot.


The Applicants disagree that Claim 4 is obvious in relation to the cited references. Nonetheless, without acquiescing to the Examiner's argument but to further the prosecution, and hereby expressly reserving the right to prosecute the original (or similar) claims, Applicants have canceled Claim 4. This cancellation is made not to acquiesce to the Examiner's argument but only to further the Applicants' business interests, better define one embodiment and expedite the prosecution of this application.

The Applicants respectfully request the Examiner withdraw the present rejection.

CONCLUSION

The Applicants believe that the arguments and claim amendments set forth above traverse the Examiner's rejections and, therefore, request that all grounds for rejection be withdrawn for the reasons set above. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicants encourage the Examiner to call the undersigned collect at 617.984.0616.

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